



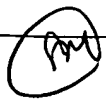
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/666,287	09/19/2003	James M. Mathewson II	RSW920030196US1	9038
7590 06/23/2005			EXAMINER	
A. Bruce Clay IBM Corporation T81/503 PO Box 12195 Research Triangle Park, NC 27709			KIM, AHSHIK	
			ART UNIT	PAPER NUMBER
			2876	

DATE MAILED: 06/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/666,287	<b>Applicant(s)</b> MATHEWSON ET AL.	
	<b>Examiner</b> Ahshik Kim	<b>Art Unit</b> 2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 4/11/05 (Amendment).
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                                    |

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## DETAILED ACTION

### *Amendment*

1. Receipt is acknowledged of the amendment filed on April 11, 2005. In the amendment  
5 claims 1-5, 8-12, 15-19, and 21 were amended, and no claims were canceled or newly added.  
Currently, claims 1-21 remain for examination.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all  
10 obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in  
section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are  
such that the subject matter as a whole would have been obvious at the time the invention was made to a person  
15 having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the  
manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the  
claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various  
claims was commonly owned at the time any inventions covered therein were made absent any  
20 evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out  
the inventor and invention dates of each claim that was not commonly owned at the time a later  
invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c)  
and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Otto (US  
25 6,554,187 B2, hereinafter "Otto") in view of Loof (US 6,507,279 B2, hereinafter "Loof").

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Re claims 1-5, 8, 9, 11, 12, and 15-19, Otto discloses a system and the method for detecting whether the item is stolen utilizing RFID label information (see abstract; col. 1, lines 31+). When an item is purchased, transaction information is recorded into the RFID tag (col. 1, lines 11-15; col. 2, lines 32-34). When the transactional information such as date and time of purchase, location of purchase, and seller, the item may be considered to be stolen (col. 2, lines 16+).

Otto fails to specifically teach or fairly suggest that the RFID tags contain a correlator value which indicate that the group of items are purchased together.

Loof teaches an integrated self-checkout system incorporating access control, electronic article surveillance (EAS) and radio frequency identification (RFID) subsystems (see abstract). When a customer comes into a store, the customer is either granted with access or denied access (see step 48 in figure 3). The customer's visits – entry and exit are recorded (col. 5, lines 16+). During the visit, the customer selects a plurality of items, and the items' RFIID tag deactivated (col. 4, lines 10+; col. 4, lines 31-46; col. 5, line 49 – col. 6, lines 3). Since the customer's visit (including up-to-the-minute location) is also tracked, reading the purchase information from the tag, the plurality of items can be grouped together by purchase date and time. Loof also discloses storing transactional information into the database as recited in claims 2, 4, 9, 11, 16, and 18. The use of database is quite extensive in that they track of customer profile, purchase habit, visit tracking and purchase tracking. The information stored in the database is used in generating promotions, or other forecasting activities.

In view of Loof's teaching, it would have been obvious to an ordinary skill in the art at the time the invention was made to incorporate recording detailed purchase information into

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RFID tag to the teachings of Otto in order to provide retailers with accurate information regarding the items. Not only the retailers need to know whether the an individual item is purchased at their store, but they would want to know if a plurality of items (if a customer brings many items back for refund or exchange) were purchased at one transaction or not. Perhaps, Otto provides, although not in a greatly detailed manner, provides transactional information such as purchase time and date, which could be interpreted as a part of transaction ID. Citing of Loof is to ensure such method is actually used in retail embodiment.

Re claims 6, 7, 13, 14, 20, and 21, when the items are taken into a store by the customer, the RFID interrogator interrogates the item by store ID or at the transaction level (col. 2, lines 37-63+).

Re claim 10, when a plurality of items are purchased at one time (or at the same time), the transaction detail information such as purchase time, place, and sales clerk would be identical (col. 2, lines 32+).

### *Response to Arguments*

5. Applicant's amended claims and arguments filed on April 11, 2005 have been carefully reviewed and considered. Examiner acknowledges Applicant amending of the claims to overcome the Otto patent, and more clearly recite the claimed subject matter as amended claims disclose. However, Applicants amended claims and arguments warranted additional search and subsequent consideration. This Office Action is based on the updated search and consideration.

Accordingly, Applicant's arguments with respect to the amended claims further clarifying the claims have been considered but are moot in view of the new ground(s) of rejection.

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### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

5 A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37  
10 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

### ***Conclusion***

15 I. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Campero (US 6,801,130) disclose RFID tag system used in retail embodiment. Applicant is respectfully suggested to carefully review these references.

20 II. Any inquiry concerning this communication or earlier communications from the examiner should be directed to *Ahshik Kim* whose telephone number is (571)272-2393. The examiner can normally be reached between the hours of 6:00AM to 3:00PM Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee, can be reached on (571)272-2398. The fax number directly to the Examiner is (571)273-2393. The fax phone number for this Group is (703)872-9306.

25 Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [ahshik.kim@uspto.gov].

*All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly*

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*signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.*

5 Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956.



Ahshik Kim  
Patent Examiner  
Art Unit 2876  
June 20, 2005

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